



# CIVIL RIGHTS

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## *Your Rights & Responsibilities in the School Nutrition Programs*

2008



Montana Office of Public Instruction, Linda McCulloch, Superintendent [opi.mt.gov](http://opi.mt.gov) Modified: 6/3/2008



## *Welcome to the training session on Civil Rights for School Nutrition Program Sponsors...*

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- that administer and participate in the National School Lunch, School Breakfast, Special Milk and Afterschool Snack Programs. The USDA requires that all “frontline” staff who work with program applicants or participants are required to receive annual Civil Rights training as well as those who supervise “frontline” staff. Training is required so that people involved in all levels of program administration understand Civil Rights related laws, procedures and directives.





# GOALS OF CIVIL RIGHTS



## *Goals of Civil Rights What are they?*

- To eliminate barriers that prevent or deter people from receiving benefits of a government sponsored/funded program.
- To provide equal treatment in the delivery of programs and services to all applicants, participants and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities.
- To show respect and dignity to all.

# DEFINITIONS

- *Civil Rights*: Civil rights refers to the rights of “personal liberty” or fair and equitable treatment of all customers and employees as guaranteed by the U.S. Constitution and Acts of Congress.
- *Discrimination*: Occurs when the civil rights of an individual are interfered with because of their membership in a particular group or class.





# CIVIL RIGHTS LEGISLATION

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- *Civil Rights Act of 1964*: Non-discrimination on the basis of race, color, or national origin.  
*Title VI*: Prevents discrimination in federally funded programs.  
*Title VII*: Prevents employment discrimination where the employer is involved in interstate commerce.  
*Title IX*: Non-discrimination on the basis of sex.
- *The Americans with Disabilities Act of 1990*: Non-discrimination on the basis of disability.
- *Age Discrimination in Employment Act*: Non-discrimination on the basis of age.



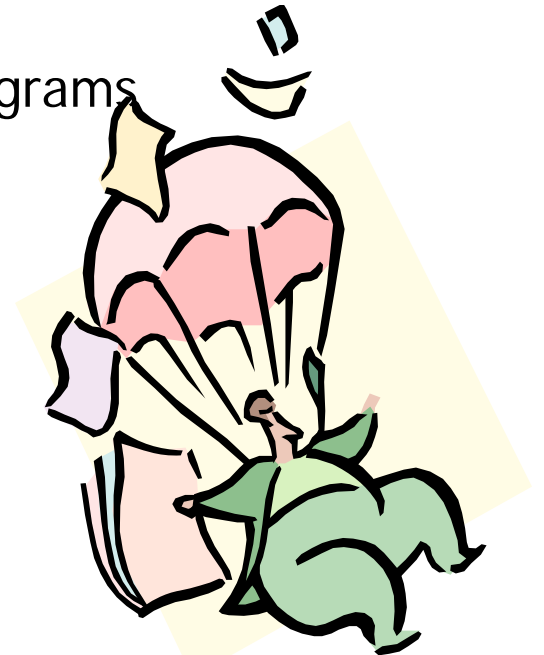


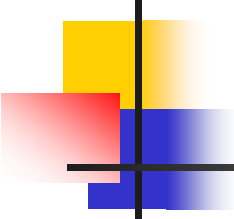
# PROTECTED CLASSES

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*What is a protected class?*

- A protected class refers to any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation or an executive order.
  
- Protected classes in the School Nutrition Programs are:
  - Race
  - Color
  - National Origin
  - Sex
  - Age
  - Disability





# A SPONSOR'S RESPONSIBILITIES

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School Nutrition Programs' sponsors must have an understanding of their responsibilities to ensure that the civil rights of all applicants and participants are protected.

These include:

- Collection and use of racial/ethnic data
- Development of a public notification system
- A plan for equal access
- Requirements for reasonable accommodation
- Requirements for language assistance
- A plan for conflict resolution





# RACIAL AND ETHNIC DATA

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- Schools are required to have a system to collect racial and ethnic data of its program participants. The data is used to determine the state's compliance with federal Civil Rights laws.
- Applicants who are completing the Free and Reduced-Price School Meals Application have the option to identify their children's racial and ethnic identities.





# INFORMING THE PUBLIC

- Schools must notify the public of their participation in the School Nutrition Programs.
- Notification to applicants and participants must include program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.





# INFORMING THE PUBLIC

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The public notification system must include:

- Program Availability: sponsors must take specific actions to inform the public of their program rights and responsibilities and the steps necessary for participation.
- Complaint Information: applicants and participants must be advised of their right to file a discrimination complaint, how to file a complaint and the complaint procedures.
- Nondiscrimination Statement: all informational materials and sources, including Web sites used by sponsors to inform the public about School Nutrition Programs, must contain a nondiscrimination statement.





# NONDISCRIMINATION STATEMENT

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All informational materials, including Web sites used by sponsors to inform the public about the School Nutrition Programs, must contain this nondiscrimination statement:

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”





# EQUAL ACCESS

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Schools must administer programs so that they are accessible to all participants regardless of **race, color, national origin, sex, age, or disability.**





# DEFINITION

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- *Disability:*  
“Any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.”
- Reference the USDA’s “Accommodating Children with Special Dietary Needs in the School Nutrition Programs” for more information.



# REASONABLE ACCOMMODATION

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## *Food Substitutions/Modifications*

- Schools must make reasonable accommodations for students with disabilities.
- A School Nutrition Program is required to provide food substitutions or modifications if
  - A physician's statement is on file that describes the participant's disability; and
  - The physician has indicated the substitutions or modifications that the participant needs.





# REASONABLE ACCOMMODATION

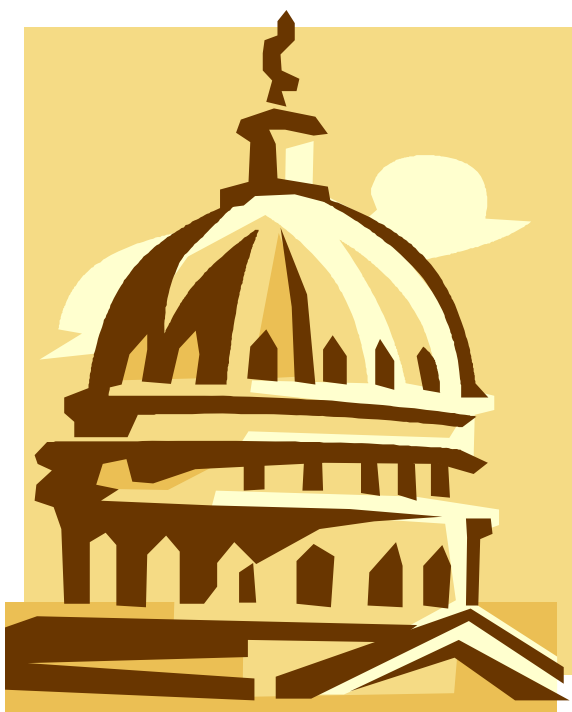
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## *Language Assistance*

- Schools must try to accommodate people with limited English proficiency.
- Free and Reduced-Price School Meal Applications may be found in 26 languages at the USDA/FNS Web site:  
<http://www.fns.usda.gov/cnd/FRP/frp.process.htm>



# COMPLAINT PROCEDURES



## *Dealing with complaints*

- Listen politely
- Take corrective action
  - Get required information as listed on complaint form
  - Refer the person to the contact information on the “And Justice For All” poster
- 180 days to file a complaint
- Report the problem to School Nutrition Programs
- Follow up in a timely manner





# COMPLAINT PROCEDURES

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All Civil Rights complaints, verbal or written, must be submitted promptly to the Office of Public Instruction, School Nutrition Programs, PO Box 202501, Helena, MT 59620-2501; Telephone: (406) 444-2501, Fax: (406) 444-2955. To make a complaint, the following information must be obtained and reported to School Nutrition Programs.

- Complainant
- Name of person taking complaint
- Cause of complaint including protected class that the complainant feels was discriminated against
- Dates and locations that discriminatory action(s) occurred, and possible witnesses (other than complainant)
- Complaint form is available at:  
[www.opi.mt.gov/schoolfood/index.html](http://www.opi.mt.gov/schoolfood/index.html), click on “Forms and Guidance,” look in the “Civil Rights” section



# HOW TO SOLVE PROBLEMS

*What do I do if I see a problem?*

- ~ Assess the nature of the problem
- ~ Take appropriate steps to notify all pertinent parties that there is a problem, and work together to make a solution
- ~ Report to appropriate authorities
- ~ Follow up

***Be Proactive!***

**Avoid the problem**

Make sure sites follow compliance requirements



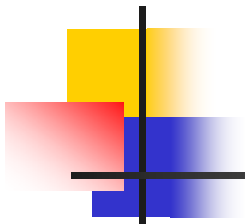
# QUESTIONS?

## *Resources for more Information*



- School Nutrition Programs, (406) 444-2501  
[www.opi.mt.gov/schoolfood/index.html](http://www.opi.mt.gov/schoolfood/index.html)
  - *Accommodating Children with Special Dietary Needs in the School Nutrition Programs*
  - Complaint Form
- [www.usda.gov](http://www.usda.gov)
  - Civil Rights and Equal Employment Opportunity policies and practices
- <http://erd.dli.state.mt.us/humanright/hrhome.asp>
  - Montana Human Rights Bureau





Distributed by:



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